#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by David and Kimberly Gibson for that property known as 6017 Loreley Beach Road in the White Marsh section of Baltimore County. The Petitioners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 ft., in lieu of the required 35 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to Bird River and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be

-2-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this and day of April, 1993 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 ft., in lieu of the required 35 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

3. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated April 22, 1992, attached hereto and made a part thereof.

-3-

Topker! LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MĎ 21204

(410) 887-4386

April 23, 1993

Mr. and Mrs. David E. Gibson 6017 Loreley Beach Road White Marsh, Maryland 21162

> RE: Petition for Administrative Zoning Variance Case No. 93-292-A 6017 Loreley Beach Road

Dear Mr. and Mrs. Gibson:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours Juny & Sullet Lawrence E. Schmidt Zoning Commissioner

LES:mmn

CRITICAL

**Petition for Administrative Variance** to the Zoning Commissioner of Baltimore County

for the property located at 6017 Loreley Beach Rd. White March which is presently zoned RC 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) / A01, 383 TO PERMIT A SIDEY ARY SETBACK OF 10' INSTEAD OF THE REGULRED 35,

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or A request to build for additional hiving space two Kid need Larger Bedroom's

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

* * *	State	Zipcode	Address	Phone No.
<del>-</del>	Phone I	No.	Name	
			Name, Address and phone number o	representative to be contacted.
			City	20 <b>0007</b> 21(p
ame)	·	<del></del>	6017 horely White Marsh	Phone No.
rtitioner			6017 Karley	Brack Rd H 41
	State	Zipcode	Signature J	S. Sieson
			(Type or Print Name)	o Risano
			Kimberly	J.Gibson
			Signature Signature	Helsen
Name)		<del></del>	(Type or Print Name)	2 1 1
			^ . ! -	Gibson
haser/Lessee			legal owner(s) of the property which is Legal Owner(s):	s the subject of time / estern.

circulation throughout Baltimore County, and that the property be reposted.

ITEM #: 307 240 3/9/93

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the pena	alties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the testify thereto in the event that a public hearing it	personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	6017 Borsley Brack Rd
	White Mark md 21162

	Chite Ma	isk, md	21/62
That based upon personal knowledge, the foll Variance at the above address: (indicate hardship)	lowing are the facts upon which	I/we base the request fo	er an Administrative
	=:	addition	al
_ a request to	L.		-
			<del></del>
		<u></u>	
	*···		
			<u></u>
That Affiant(s) acknowledge(s) that if a prote may be required to provide additional informations of the control of the contro		quired to pay a reposting	and advertising fee and
David Kilan		Bunker	I Lilyon
David & Gibson		Mimberly &	y & Silver
STATE OF MARYLAND, COUNTY OF BAL	TIMORE, to wit:		
1 HEREBY CERTIFY, this 3 day of of Maryland, in and for the County aforesaid, p	MARCH, 1	19 <u><b>93</b></u> , before me, a N	iotary Public of the State
NAUK GREEN & K	IMBERLY GIB	50 ~	
the Affiants(s) herein, personally known or sati that the matters and facts hereinsbove set forth	isfactorily identified to me as s	uch Affianti(s), and mad	e oath in due form of law edge and belief.
AS WITNESS my hand and Notarial Seal.	1		•
3-3-93	_/\(\)_\(\)	and S. J.	elvo

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or ZONING DESCRIPTION FOR 6017 Lordey Beach Kd Beach Rd (street on which property fronts) wide at a distance of . centerline of the nearest improved intersecting street \_\_\_\_\_ Lore lea (number of feet of right-of-way width) \_\_\_\_\_, Section #\_\_\_\_\_ as recorded in Baltimore County Plat (name of subdivision)

EXAMPLE 3 - Zoning Description - 3 copies

93-292-A

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_, Folio \_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

(square feet and acres)

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15'

BONNIS DEPARTMENT OF BALTIMORE COUNTY 92 192 H

District	Date of Posting 3/25/93
Posted for:	
Potitioner: DavidE.	+ Kimberly S. Gibson
Location of property: 3/5	Lorday Beach Rd 725 F/ Nicola Bald
6017 Londay Dea	Lorday Beach Rd. 725 F/ Ntoralay Broch Ko
,	Wodway 87 property of petitioners
Remarks:	

92-292-A

Baltimore County Zoning Administration & Devolopment Management 111 West Chesapeake Avenue Tenson, Maryland 21204		•
<b>Zoning</b> Adm <b>inist</b> ration & <b>Devolopment Management</b>	Ba	Itimore County
i P	Zo De	ning Administration &
111 Yest Chesapeake Avenue	)   1	West Chesapeake Avenue

Account: R-001-6150

030 -POSTING SIGNS / APTRIC

LAST NAME OF OUNLY: THE SOLE

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3

(410) 887-3353

April 6, 1993

Mr. and Mrs. David E. Gibson 6017 Loreley Beach Road White Marsh, MD 21162

RE: Case No. 93-292-A, Item No. 307
Petitioner: David E. Gibson, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Gibson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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SHA Maryland Denterent of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Re: Baltimore County
Item No.: \*\( 307\)

Dear Ms. Winiarski:

Room 109

Ms. Julie Winiarski

Zoning Administration and

Development Managemen

111 W. Chesapeake Avenue Towson, Maryland 21204

County Office Building

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permi

My telephone number is \_\_410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

1/26/93 3994-93 JHK

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

41.7

TO: Mr. Arnold E. Jablon, Director Office of Zoning Administration

DATE: April 22, 1993

and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 307 Gibson Property Chesapeake Bay Critical Area Findings

APR 26 1993

## SITE LOCATION

The subject property is located at 6017 Loreley Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

## APPLICANT'S NAME David and Kimberly Gibson

## APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3B3 of the Baltimore County Zoning Regulations to permit a sideyard setback of 10 feet in lieu of the required 35 feet.

## GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts < COMAR 14.15.10.01.0>.

Mr. Arnold E. Jablon April 22, 1993 Page 2

# REGULATIONS AND FINDINGS

- 1. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code Section 26-448(a)>.
- <u>Finding:</u> No non-tidal wetlands were found on this site or in the vicinity of the site.
- 2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

- 3. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.
- <u>Finding:</u> This property is adjacent to the tidal waters of Bird River. The existing house is approximately <u>85</u>feet from mean high water allowing a buffer of approximately <u>85</u>feet to be established. No clearing, grading, or construction shall be permitted in the buffer.
- 4. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Findings: The amount of impervious areas shall not exceed 3,746 square feet or 25% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The proposed addition will bring the impervious surface up to 2,767 square feet or 18.5% of the lot, and is in compliance with the above regulation.

Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 24, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 299, 305, 307, 309 and 310.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

repared by: (M) W' (M)

PK/JL:lw

299.ZAC/ZAC1

Mr. Arnold E. Jablon April 22, 1993 Page 3

Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. Rooftop runoff shall be directed through downspouts and into a seepage pit or drywell, to encourage maximum infiltration (see attached information). These measures will ensure that the requirements of this regulation are met.

6. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

<u>Finding:</u> This property currently contains and must maintain at least 15% tree cover.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from substrate flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

## CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter, Director 7
Department of Environmental Protection and Resource Management

Attachment

cc: Daivd and Kimberly Gibson

GIBSON/WOCBCA

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286 5500

MARCH 24, 1993

(410) **88** / 4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

PE: Property Owner: EAVIE E. CLESON AND KIMBERLY S. CLESON

Location: #6017 LOFFLY PEACH FOAD

Item No.:\* 307 (LEO) Zoning Agenda: MARCH 22, 1993

#### Gentlemen:

Pursuant to your request, the referenced property has been curveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Croup

Planning Croup

Planning Croup

Fire Frevention Fureau

JP/KEKH

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- 1 -

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

March 31, 1993

TO: Mr. Arnold Jablon, Director Zoning Administration and Development Management

FROM: J. Lawrence Pilson Development Coordinator, DEPRM
SUBJECT: Zoning Item #307

Gibson Property; 6017 Loreley Beach Road Zoning Advisory Committee Meeting of March 22, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

- 1. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.
- 2. A soil evaluation has been done on this property relevant to the requested addition. Soils are unsuitable for septic repair and public sewers are not readily available. Ground Water Management recommends disapproval of the variance. The applicant may contact Mr. Thomas Ernst or Mr. Rob Powell at 887-2762.

JLP:jbm

GIBSON/TXTRMP

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